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Letter dated 6 October 2017 from the Permanent Observer of the Holy See to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the document entitled "Responding to refugees and migrants: 20 action points", which is the official input of the Holy See for the consultations and intergovernmental negotiations related to the global compact for safe, orderly and regular migration (see annex).

Grounded in the Catholic Church's experience and reflection, the 20 action points have been developed after intensive consultations throughout the world and were specifically approved by Pope Francis.

I would be very grateful if you could have the present letter and its annex circulated as a document of the seventy-second session of the General Assembly under agenda item 14.

(*Signed*) Archbishop Bernardito **Auza**
Permanent Observer of the Holy See

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Annex to the letter dated 6 October 2017 from the Permanent Observer of the Holy See to the United Nations addressed to the Secretary-General

Responding to refugees and migrants: 20 action points

For centuries, people on the move have received the assistance and special pastoral attention of the Catholic Church. Today, facing the largest movement of displaced peoples in recent memory, the Church feels compelled to continue this work in solidarity with them and in cooperation with the international community.

While massive numbers of people have been forced to leave their homes owing to persecution, violence, natural disasters and the scourge of poverty, migration should nevertheless be recognized not as a new phenomenon, but rather as a natural human response to crisis and a testament to the innate desire of every human being for happiness and a better life. This reality, with its important cultural and spiritual dimensions, is having a significant impact on attitudes and reactions all over the world.

Even amidst the current crisis, experience teaches that effective, shared responses are available. The Church looks forward to working together with the international community to promote and adopt such measures to protect the dignity, rights and freedoms of all persons currently on the move, including forced migrants, victims of human trafficking, asylum seekers, refugees and internally displaced persons.

The United Nations processes to produce global compacts, one on safe, orderly and regular migration, and the other on refugees, are a unique opportunity to respond together through international cooperation and shared responsibility.

The Church has already taken a stand on many of the issues which will be included in the global compacts and, drawing on its diverse and long-standing pastoral experience, would like to contribute actively to the two processes. To support this contribution, the Vatican's Migrants and Refugees Section (Dicastery for Promoting Integral Human Development), consulting with various bishops' conferences and Catholic non-governmental organizations working in the field, has prepared the following 20 action points. They have been approved by the Holy Father. They are grounded in the Church's best practices responding to the needs of migrants and refugees at the grassroots level. They do not exhaust the Church's teaching on migrants and refugees, but provide practical considerations which Catholic and other advocates can use, add to and develop in their dialogue with Governments towards the global compacts.

The 20 points advocate effective and proven measures which together constitute an integral response to the current challenges. In accordance with Pope Francis's teaching, the points are grouped under four headings: to welcome, to protect, to promote and to integrate. Each is an active verb and a call to action. Starting from what is currently possible, their ultimate goal is the building of an inclusive and sustainable common home for all. Our sincere hope is that these action points will provide welcome guidance to policymakers and everyone concerned with improving the situation of migrants, refugees, asylum seekers and internally displaced persons, especially those who are most vulnerable.

Empirical evidence shows that migration is more and more mixed. This makes it difficult to maintain a clear-cut distinction between migrants and refugees. Often their needs are very similar if not identical. Accordingly, let the drafting and negotiating strive for the greatest possible harmony between the two global

compacts. Moreover, both compacts should have a real impact on people's lives and should therefore include targets and goals to be met as well as reporting mechanisms.

The Migrants and Refugees Section offers the 20 action points as a contribution to the drafting, negotiation and adoption of the global compacts on migrants and on refugees by the end of 2018. Guided by Pope Francis, the Section stands behind the principles embodied in these points and looks forward to working with the international community towards their inclusion in the global compacts.

I. To welcome: enhancing safe and legal channels for migrants and refugees

Migration should be safe, legal and orderly, and the decision to migrate should be voluntary. With this in mind, the following action points are suggested.

1. Encourage States to ban arbitrary and collective expulsions. The "non-refoulement" principle should always be respected. This principle is based on the individual situation of the person and not on how "safe" a country is generally claimed to be. States should avoid using safe country lists, as such lists often fail to meet the refugee's needs for protection.

2. Encourage States and all actors involved to expand the number and range of alternative legal pathways for safe and voluntary migration and resettlement, with full respect for the principle of non-refoulement. Examples of such avenues would include:

(a) Adopt the practice of extending humanitarian visas, or if already present, expand their use as a national policy priority;

(b) Encourage the wider use of student visas, including for apprenticeship and internship programmes as well as all levels of formal education;

(c) Adopt humanitarian corridor programmes that grant legal entry with a humanitarian visa to people in particularly vulnerable situations, including those forced to flee conflict and natural disasters;

(d) Adopt legislation which enables local integration through community and private sponsorship by citizens, communities and organizations;

(e) Adopt resettlement policies for refugees or, if already present in the legal framework, increase the number of refugees resettled on a scale that would make it possible for the annual resettlement needs identified by the Office of the United Nations High Commissioner for Refugees to be met;

(f) Provide family reunification visas or, if already available, expand the number of such visas issued, particularly for the reunification of all family members (including grandparents, siblings and grandchildren);

(g) Adopt national policies which permit those forced to flee armed conflict, persecution or widespread violence in their countries of origin to be received immediately, even if temporarily, by neighbouring States through, for example, the granting of temporary protection status;

(h) A responsible and dignified welcome of migrants and refugees

begins by offering them decent and appropriate shelter. The enormous gathering together of persons seeking asylum and of refugees has not produced positive results. Instead, these gatherings have created new situations of vulnerability and hardship. More widespread programmes of

> welcome, already initiated in different places, seem to favour a personal encounter and allow for greater quality of service and increased guarantees of success.[1]

3. Encourage States to adopt a national security perspective that fully takes into account the security and human rights of all migrants, asylum seekers and refugees entering their territory. For example:

(a) Provide training in international human rights law and international refugee law to public officials and law enforcement officers who work in border areas;

(b) Adopt national policies which respond first to the needs and vulnerabilities of those seeking admission, including access to basic services, before addressing an applicant's legal status;

(c) Adopt national security policies that prioritize the safety and protection of refugees and asylum seekers fleeing armed conflict, persecution or widespread violence to find safety quickly by ensuring an expeditious screening and admission process;

(d) Adopt national policies which prefer alternatives to the detention of those seeking access to the territory.

II. To protect: ensuring migrants' and refugees' rights and dignity

The Church insists on the importance of taking a holistic and integrated approach, with a focus on the centrality of the human person. A holistic approach remains, indeed, the best way to detect and overcome harmful stereotypes and to avoid stigmatizing anyone with respect to a few specific aspects, to take account of all dimensions and fundamental aspects of the person as a whole.

> The proper implementation of human rights becomes truly beneficial for migrants, as well as for the sending and receiving countries. The measures suggested are not a mere concession to migrants. They are in the interest of migrants, host societies and the international community at large. Promoting and respecting the human rights of migrants and their dignity ensures that everyone's rights and dignity in society are fully respected.[2]

Migrants, asylum seekers and refugees should be received as human beings, in dignity and with full respect for their human rights, regardless of their migratory status. While it is the right of every State to manage and control its borders, migrants and refugees must be received in conformity with applicable obligations under international law, including international human rights law and international refugee law. The more alternative and legal pathways are available to the migrant and refugee, the less likely they are to be taken advantage of by criminal networks and to find themselves victims of human trafficking, or victims of exploitation and abuse in the context of the smuggling of migrants.

The right to life is the most basic guarantee of civil and political freedom. Article 6 of the International Covenant on Civil and Political Rights states that "[e]very human being has the inherent right to life. This right shall be protected by

[1] Pope Francis, address to participants at the International Forum on Migration and Peace, 21 February 2017.

[2] Statement of the Permanent Observer of the Holy See to the United Nations and other international organizations in Geneva at the twenty-ninth session of the Human Rights Council interactive dialogue with the Special Rapporteur on the human rights of migrants, Geneva, 15 June 2015.

law. No one shall be arbitrarily deprived of his life".[3] Every response to migrants, refugees and asylum seekers, particularly in search and rescue operations, should be directed primarily to ensure and protect the right to life of all, regardless of their status. With this in mind, the following action points are proposed:

4. Encourage States with significant labour migrant outflows to adopt policies and practices which provide protections for citizens choosing to emigrate. For example:

(a) Create national pre-departure information systems and training, which alert and educate citizens and employers, as well as public officials and law enforcement officers who work in border areas, to identify signs of forced labour or trafficking;

(b) Require national regulation and certification of employment recruiters;

(c) Establish, at the ministerial level, a department dedicated to diaspora affairs;

(d) Adopt national policies that protect the interests of and assist diaspora and migrant communities abroad, including through consular protection and legal services.

5. Encourage States with significant labour migrant inflows to adopt national policies which protect against exploitation, forced labour, or trafficking. Some examples would be:

(a) Enact legislation which forbids employers from withholding the passports and other forms of identification from their employees;

(b) Enact national policies which provide foreign residents with access to justice, regardless of their migratory status, allowing them to report human rights abuses and violence without fear of reprisal, including detention and deportation;

(c) Enact national policies which allow migrants to open private, personal bank accounts that also permit direct deposits by employers;

(d) Adopt national minimum wage laws which require the regular and predictable payment of wages, at least on a monthly basis.

6. Encourage States to adopt national policies which enable migrants, asylum seekers and refugees to make the best use of their skills and capacities, in order to better contribute to their own and their communities' well-being. For example:

(a) Grant refugees and asylum seekers freedom of movement and provide work permits as well as travel documents which allow for their return to the host State, particularly for those who find employment in other States;

(b) Adopt programmes engaging local communities in hosting small groups of asylum seekers in addition to larger reception and identification centres;

(c) Enact legislation which allows asylum seekers, refugees and migrants the ability to open bank accounts, establish enterprises and conduct financial transactions;

(d) Enact national policies which allow migrants, asylum seekers and refugees to access and use telecommunications, such as the Internet or SIM cards for mobile telephones, without burdensome procedures or fees;

[3] See General Assembly resolution 2200 (XXI) A, annex.

(c) Enact national policies which allow repatriated and returning migrants and refugees to have swift access to employment opportunities in their countries of origin, thus encouraging their reintegration into society.

7. Encourage States to comply with their obligations under the Convention on the Rights of the Child when enacting domestic legislation to address the vulnerable situation of unaccompanied children or minors separated from their family. For example:

(a) Adopt alternatives to mandatory detention, which is never in the best interest of the child, no matter their migratory status;

(b) Provide foster care or guardianship for unaccompanied children or minors while they are separated from their family;

(c) Establish separate processing centres for families, minors and adults.

8. Encourage States to comply with their obligations under the Convention on the Rights of the Child when dealing with all migrant minors and recommend the following actions, among others:

(a) Adopt procedures that guarantee legal protections for minors approaching the age of majority. In particular, enact legislation that preserves their legal status and prevents them from becoming undocumented and thus subject to detention and deportation;

(b) Adopt procedures that permit minors who are close to the age of majority to continue their education without interruption;

(c) Adopt policies that require the registration of all births, providing each newborn with a birth certificate.

9. Encourage States to adopt national policies that provide equal access to education for migrant, asylum seeker and refugee learners of all levels. For example:

(a) Enact national or regional policies which provide migrants and refugees with access to primary and secondary education, no matter their migratory status;

(b) Enact policies which provide that the primary and secondary education to which migrants and refugees have access meets the same standards of education received by citizens.

10. Encourage States to adopt legislation which provides migrants and refugees with access to adequate social protections. For example:

(a) Enact legislation which ensures the right to health of migrants and refugees, including access to primary health-care services, regardless of their migratory status and immediately upon arrival;

(b) Enact legislation that grants access to national pension schemes and that guarantees the portability of social security coverage and benefits between and among countries to prevent migrants and refugees from losing entitlements owing to their migration status.

11. Encourage States to enact legislation to prevent migrants and refugees from becoming "stateless". In particular:

(a) Enact legislation granting adequate protection and standards of treatment in respect of rights and freedoms as established by international conventions addressing statelessness and human rights treaties and provisions relevant to the right to a nationality;

(b) Enact legal and policy reforms that are necessary to address statelessness effectively, working in the four areas of statelessness — identification, prevention, reduction and protection — and aiming at granting citizenship to children at birth.

III. To promote: advancing migrants' and refugees' integral human development

At the present time, the average duration of exile for those who have fled armed conflict is 17 years. For labour migrants as well, the time away from home can amount to many years. Hosting States, rather than providing merely emergency responses and basic services, should assure structures which allow those staying long-term to develop as human beings and to contribute to the development of the host country. Moreover, since a basic principle of the 2030 Sustainable Development Goals is to "leave no one behind", the international community should take care to include refugees, asylum seekers and labour migrants in their development plans. The following action points are suggested:

12. Encourage States to enact legislation that enables the recognition, transfer and further development of the formal skills of all migrants, asylum seekers and refugees residing in the host country. For example:

(a) Enact policies which provide access to tertiary education as well as support for qualified migrants, asylum seekers and refugees;

(b) Enact policies which provide equal access to apprenticeship and internship programmes for qualified migrants, asylum seekers and refugees on the same basis as for citizens;

(c) Enact policies which facilitate the assessment, validation and recognition of academic and vocational education, including higher education, of migrants and refugees through, for example, inter-university arrangements as well as bilateral and multilateral agreements.

13. Encourage States to adopt laws, policies and practices which facilitate the local integration of migrants, asylum seekers and refugee populations. For example:

(a) Where they do not already exist, enact laws that recognize the right of asylum seekers and refugees to freedom of movement and freedom to choose their place of residence;

(b) Where they do not already exist, enact laws that recognize the right of asylum seekers and refugees to work at the time of registration with appropriate national authorities;

(c) Adopt policies which provide access to classes and training in the local language and customs and provide for the printing of public notices and information in those languages most common among migrant and refugee populations within the host country.

14. Encourage States to adopt policies and practices which promote and preserve the integrity and well-being of the family regardless of migratory status. For example:

(a) Enact laws which allow for the reunification of refugees and migrants with their families and that recognize the right of these family members to work. A minimum level of income, or proof of the ability to provide financial support, should not be a requirement for the reunification of minors with their parents;

(b) Enact laws which expand the scope of family reunification policies to include all family members (including grandparents, siblings and grandchildren) in order to allow the entire family to remain united in the resettlement process;

(c) Enact policies which facilitate family tracing and reunification;

(d) Enact laws which prohibit and actively prevent the abuse of minor workers, ensuring that the work is safe and does not harm their health and well-being or jeopardize their educational opportunities.

15. Encourage States to adopt policies and practices that provide migrants, asylum seekers and refugees with special needs or vulnerabilities with the same opportunities as other disabled citizens. For example:

(a) Enact policies which provide all disabled persons with access to assistance devices for the disabled (for example, wheelchairs, guide dogs, hearing aids) regardless of migratory status;

(b) Enact policies which promote rapid access to special education or vocational training as well as health care for unaccompanied or separated minors who are disabled.

16. Encourage the international community to increase its share of development and emergency assistance to States which host and support large influxes of refugees and migrants fleeing armed conflict so all may benefit, regardless of migratory status. For example:

(a) Encourage donor States to tailor aid and assistance to include the development of medical, educational and social services infrastructure in hosting areas upon the arrival of the refugees and migrants, for example, paying for the construction of additional classrooms and funding teacher training where local capacity has been overwhelmed or exhausted;

(b) Encourage donor States to adopt policies that set aside a percentage of the direct assistance and allow access to the programmes and services provided to refugees and migrants, for the benefit of local families experiencing similar economic and social disadvantages.

17. Encourage States to adopt policies and practices that guarantee the freedom of religion, in both belief and practice, to all migrants and refugees regardless of their migratory status.

IV. To integrate: enriching communities through wider participation of migrants and refugees

The acceptance of migrants and refugees is an opportunity for new understanding and broader horizons, both on the part of those accepted, who have the responsibility to respect the values, traditions and laws of the community which takes them in, and on the part of the latter, which is called upon to acknowledge the beneficial contribution which each immigrant can make to the whole community. Both sides are mutually enriched by their interaction and the community as a whole is enhanced by a greater participation of all its members, both resident and migrants. This is also true for the migrant or refugee who chooses to return home. The following action points are suggested:

18. On the basis of the understanding that integration is neither assimilation nor incorporation, but a "two-way process," which is essentially rooted in the joint recognition of the other's cultural richness, encourage States to enact legislation which facilitates local integration. For example:

(a) Adopt laws and constitutional provisions aimed at granting citizenship at birth;

(b) Adopt laws which provide timely access to citizenship for all refugees;

(c) Adopt a rights- and needs-based approach to the granting of citizenship. Citizenship should not be contingent on economic status or the ownership of property;

(d) Adopt laws that grant citizenship without "new language requirements" for older applicants (over 50 years of age);

(e) Adopt laws which facilitate the legal migration of family members of foreign residents;

(f) Adopt laws which allow for the regularization of status for long-term residents of the host country.

19. Encourage States to adopt policies and programmes which actively promote a positive narrative on migrants and refugees and solidarity with them. For example:

(a) Provide subsidies to municipalities and faith-based communities to host events which showcase positive aspects of the culture of the members of the foreign community;

(b) Engage in public campaigns that identify and promote positive examples of individuals and groups hosting refugees and migrants and integrating them into their local communities;

(c) Require public announcements to be issued in the language spoken by large groups of migrants and refugees;

(d) Enact policies that promote hospitality within the local communities and which actively seek to welcome and integrate migrants into the local community.

20. When foreign nationals are forced to flee from violence or environmental crisis in the host country, they are often eligible for voluntary repatriation programmes or evacuation programmes. In these cases, the host State, donor States or the State of origin should be encouraged to adopt policies and procedures which facilitate the reintegration of returnees. For example:

(a) Increase donor funding for enhancing the infrastructure in areas of return or transition assistance for returning workers caught up in foreign crisis;

(b) Enact laws that recognize and allow for the transfer of educational or other credentials earned abroad by returning citizens and permit rapid access to labour markets for those with professional or vocational credentials (e.g., trained teachers, electricians, medical personnel and heavy equipment operators).